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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,455	11/21/2003	Yacine El Kolli	02997.002481	8053
5514 7590 05/14/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
BARQADLE, YASIN M				
ART UNIT		PAPER NUMBER		
2153				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,455

Applicant(s)

EL KOLLI ET AL.

Examiner

YASIN M. BARQADLE

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/24/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 24, 2008 has been entered.

Response to Amendment

2. The amendment filed on January 24, 2008 has been fully considered but are moot in view of the new grounds of rejection.

- Claims 1-22 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,9-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Le Scolan et al “hereinafter” Le Scolan (USPN 20050237928) in view of Eschholz US Patent Number (6278718).

As per claim 1,9,12 and 20, Le Scolan teaches a method for the insertion of information to synchronize a destination node with a data stream transmitted from an entry terminal in a heterogeneous network, the heterogeneous network including at least one sub-network conveying first packets and one basic network conveying second packets, the entry terminal being connected to the sub-network, the sub-network being connected to the basic network by means of an entry node forming the packets of the second type from at least one sub-part of at least one packet of the first type, “In a communication network consisting of two or more serial communication buses in accordance with IEEE 1394 standard, when several buses are connected together by means of bridges, one of the synchronization nodes CM amongst all the synchronization nodes of all the buses is chosen as a reference for the entire network.” (Fig. 2 ¶ 0157-0159), wherein the size of the useful information of packets of the second type is independent of the size of the packets of the first type (the packet sizes in Le Scolan are not dependent)

wherein, at the occurrence of at least one pre-determined event, the entry node:

a second synchronization packet such that the beginning of the useful information of the second synchronization packet corresponds to the beginning of the first packet “the reference moment identifying the appearance of a reference event at one of the nodes A and B. For example, the reference event considered is the start of a data frame transmitted between nodes A and B and the reference moment corresponds to the moment when this frame starts.” (§ 0186-0187 and § 0196-0197);

inserts a synchronization marker in the second synchronization packet (synchronization information is inserted into a receive frame and each communication network being synchronized by exchanging a synchronization information between the node and the apparatus § 0104, 0109 and § 0186-0187); and

Although Le Scolan shows substantial features of the claimed invention including “the reference moment identifying the appearance of a reference event at one of the nodes A and B. For example, the reference event considered is the start of a data frame transmitted between nodes A and B and the reference moment corresponds to the moment when this frame starts.” (§ 0186-0187 and § 0196-0197), he does not explicitly show forming a synchronization packet of a second type such that the beginning of useful information of the synchronization packet corresponds to the beginning of the packet of the first type.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Le Scolan ,as evidenced by Eschholz.

In analogous art, Eschholz whose invention is about Distributed network synchronization system, disclose forming a synchronization packet of a second type such that the beginning of useful information of the synchronization packet corresponds to the begining of the packet of the first type (abstract and col. 4, lines 1-20).

Giving the teaching of Eschholz, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Le Scolan by employing the system of Eschholz so as to support the transmission of synchronous data and to compensate for differences between source and destination nodes' clocks without loss of data and without causing excessive delays in the transmission of information across the network.

Le Scolan further teaches modifies the size of a second packet preceding the second synchronization packets such that the end of the useful information of said packet of the second type corresponds to the end of a packet of the first type (§ 0271-0273 and § 0352-0354).

As per claims 2 and 13, Le Scolan teaches a method wherein said predetermined event is reached at a predetermined instant from among a plurality of predetermined instants (§ 0186-0188).

As per claims 3 and 14, Le Scolas teaches a method, wherein the plurality of predetermined instants succeed one another in a cycle with a fixed period (§ 0186-0188 and § 0316)

As per claims 4 and 15, Le Scolas teaches a method, wherein said predetermined event is the reception, by the entry node, of a synchronization request (§ 0186-0188 and § 0315-0318).

As per claims 5 and 16, Le Scolas teaches a method, wherein the synchronization request is sent out by a node belonging to the group comprising: a first destination node, to which there is connected a first destination terminal that has formulated a first request for connection with the entry terminal, to receive said data stream; a second destination node, to which there is connected a second destination terminal that has formulated a second request for connection with the entry terminal, to receive said data stream, after a connection has already been set up between the first destination terminal and the entry terminal for said data stream (§ 0186-0188; § 0218-0227 and § 0315-0318).

As per claims 6 and 17, Le Scolas teaches a method, wherein the entry node modifies the size of the synchronization packet of the second type in such a

way that the sum of the modified size of the preceding packet of the second type and the modified size of the synchronization packet is substantially equal to the normal size of a packet of the second type (§ 0271-0273 and § 0352-0354).

As per claims 7 and 18, Le Sclan teaches a method, wherein the entry node manages a mechanism for the obtaining, after each occurrence of a predetermined event, of the current distance, in memory, between a memorized position of a forthcoming start of a packet of the first type and a current position of a read pointer used for the building of the packet of second type (§ 196-0200; § 0271-0273 and § 0352-0354).

As per claim 10 and 21, Le Sclan teaches a method, following the transfer of the synchronization packet, the destination node: forms first packets out of second packets associated with the data stream; transfers the first packets formed on the sub-network (see fig. 2).

As per claim 11 and 22, Le Sclan teaches a method wherein so long as it has not detected a synchronization packet of the second type, the destination node swallows the received packets, without forming type. (§ 0186-0189 and (§ 0410-0412).

Allowable Subject Matter

Claims 8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Yasin M Barqadle/

Primary Examiner, Art Unit 2153